

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2586

Marquez A. Miller,

Appellant,

v.

Henrietta Washington; Mac Kennedy;
D. Thomas; James Byers; Shirley
Jordan; Larry D. Jordan; Carlos
Vowell; Albert Harris; Clifford Terry,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: November 4 1998
Filed: December 4, 1998

Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

PER CURIAM.

Arkansas inmate Marquez A. Miller appeals following the district court's¹ denial of his Federal Rule of Civil Procedure 60(b) motion seeking relief from the court's judgment dismissing his 42 U.S.C. § 1983 action without prejudice for failing to exhaust administrative remedies, and the court's additional denial of his Federal Rule

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

of Civil Procedure 62(b) motion seeking to stay that judgment. Miller did not timely appeal the underlying judgment so we review only the district court's ruling on the post-judgment motions. See Fed R. App. P. 4(a)(4); Sanders v. Clemco Indus., 862 F.2d 161, 168 (8th Cir. 1988). After a careful review of the record and the parties' submissions, we conclude the district court did not abuse its discretion in refusing to grant the motions. See Fed. R. Civ. P. 62(b) (in its discretion court may stay the execution of judgment); Baxter Int'l, Inc., v. Morris, 11 F.3d 90, 92 (8th Cir. 1993) (standard of review for denial of Rule 60(b) motion).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.